



SIDLEY AUSTIN LLP  
787 SEVENTH AVENUE  
NEW YORK, NY 10019  
(212) 839 5300  
(212) 839 5599 FAX

dspenner@sidley.com  
(212) 839 7375

BEIJING	HONG KONG	SAN FRANCISCO
BOSTON	HOUSTON	SHANGHAI
BRUSSELS	LONDON	SINGAPORE
CHICAGO	LOS ANGELES	SYDNEY
DALLAS	NEW YORK	TOKYO
GENEVA	PALO ALTO	WASHINGTON, D.C.

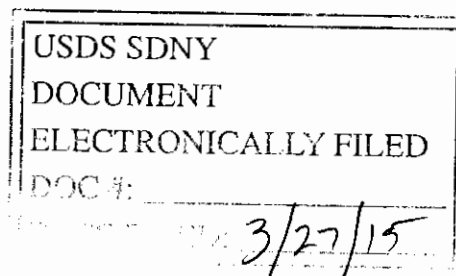
FOUNDED 1866

March 26, 2015

MEMO ENDORSED

**By ECF and Hand Delivery**

The Honorable James C. Francis IV  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312



Re: *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co., et al.*  
No. 1:09-cv-03701-JPO-JCF (S.D.N.Y.)

Dear Judge Francis:

We write on Defendants' behalf to respectfully request that the Court amend its March 9, 2015 order denying Defendants' request to proceed with their previously noticed deposition of non-party William Buell (Dkt. 329) to clarify that, as Your Honor stated during the March 6, 2015 teleconference with the parties, Defendants may submit an affidavit from William Buell in connection with any motions by the parties for summary judgment. H

On March 5, 2015, Defendants filed a letter motion requesting emergency relief to confirm that their previously noticed deposition of non-party William Buell could proceed the following week. (Dkt. 326.) The Court directed Lead Plaintiffs to file a response by the end of the same day (Dkt. 327) and scheduled a telephone conference with all parties for the next day, March 6, 2015, at 1:00 PM. During the telephone conference, the Court stated that Defendants' request would be denied because Mr. Buell already had been deposed by Lead Plaintiffs in this action and Defendants could submit an affidavit from Mr. Buell in connection with any motions for summary judgment and/or call him as a witness at trial. Following the telephone conference, on March 9, 2015, the Court endorsed Defendants' March 5, 2015 letter with the following order: "Application denied for the reasons discussed in the telephone conference on March 6, 2015. SO ORDERED." (Dkt. 329.)

Defendants recently learned that the March 6, 2015 telephone conference was neither transcribed nor audio recorded. Accordingly, for the avoidance of doubt, Defendants respectfully request that the Court's March 9, 2015 order be amended to add the following in order to clarify the reasons discussed in the March 6, 2015 telephone conference: "Defendants H



The Honorable James C. Francis IV  
March 26, 2015  
Page 2

may submit an affidavit from William Buell in connection with any motions by the parties for summary judgment."

Respectfully submitted,

A handwritten signature in cursive script that reads "Dorothy Spenner".

Dorothy J. Spenner

cc: Luke O. Brooks (via e-mail)  
Darryl J. Alvarado (via e-mail)

3/27/15

The March 9, 2015 Order is  
clarified as set forth above.

SO ORDERED.

James C. Francis IV  
A handwritten signature in cursive script that reads "James C. Francis IV".  
VSMJ